

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN K. BATTLE,

Plaintiff,

v.

NEBRASKA STATE PRISON

MEDICAL DEPT., DR.

FERGUSON, official and individual

capacities, NEBRASKA DEPT. OF

CORRECTIONS, KITCHEN STAFF

AT N.S.P., and UNIT #6 IN

OFFICIAL CAPACITY,

Defendants.

8:14CV398

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On January 5, 2015, the court order Plaintiff to either submit an updated request to proceed in forma pauperis or pay the court's \$400.00 filing and administrative fees. The court warned Plaintiff that failure to take either action within 30 days would result in the court dismissing this action without further notice. To date, Plaintiff has not taken either action and the time in which to do so has now passed.

IT IS THEREFORE ORDERED that: This action is dismissed without prejudice. A separate judgment will be entered in accordance with this order.

DATED this 2nd day of March, 2015.

BY THE COURT:

s/ Joseph F. Bataillon

Senior United States District Judge